

**Town of Milton
Planning & Zoning Meeting
Milton Library, 121 Union Street
Tuesday, January 17, 2012
7:00 pm**

**Minutes are not Verbatim
Transcriptionist: Helene Rodgville**

1. Call Meeting to Order
2. Roll Call of Members

Lynn Ekelund	Present
Bob Heinrich	Present
Don Mazzeo	Present
Gene Steele	Present (Arrived at 7:09 p.m.)
3. Additions/Corrections/ to the Agenda

Don Mazzeo: Do we have any additions or corrections to the Agenda as it has been posted? You all have a copy of the agenda someplace.
4. Approval of agenda

Don Mazzeo: Hearing none, so we don't have to worry about that. Vote to approve the agenda, as it stands.
Lynn Ekelund: So moved.
Bob Heinrich: Second.
Don Mazzeo: All in favor say aye. Opposed. The agenda stands.
5. Approval of minutes of December 20, 2011

Don Mazzeo: We need approval of the minutes of December 20, 2011.
Lynn Ekelund: I move to approve the minutes of December 20, 2011.
Bob Heinrich: Second
Don Mazzeo: All in favor say aye. Opposed. Motion is carried.
6. Business
 - a. **Advisory Report for Rezoning Application**

Review and approval for the written advisory report to Town Council regarding the application from Michael Hughes for the rezoning of the property located at 104 Mainsail Drive from C1 (Commercial) zoning to R1 (Residential) zoning. The property is further identified by Sussex County Tax Map and Parcel #2-35-14.00-89.08.
Don Mazzeo: You have a copy in your packet. Are there any questions, concerns regarding this particular documentation that was prepared, I

would assume, by Seth.

Robin Davis: Mr. Chairman, I just actually took the one that Seth did for Dogfish and put in the wording and he did get a copy to look at.

Don Mazzeo: Okay, so it has gone through legal channels. Do we have any questions, concerns from the committee.

Lynn Ekelund: I have one change. It's the first line of Paragraph 2, "The Application was presented by Nicole Hughes ("Mrs. Hughes"), owner of the parcel." Mrs. Hughes is not the owner of the parcel. She is the spouse of the Applicant, so I would propose that we delete owner of the parcel and.

Bob Heinrich: Actually that's a good catch, because I remember them distinctly saying that she wasn't an owner, at the last meeting.

Don Mazzeo: Correct. Okay. So we will have that corrected.

Robin Davis: Mr. Chairman, if I could. If there's nothing on the third page, I think the last one that we had from Dogfish, we had a couple of corrections. If I can have you sign; if this does get approved by a motion; sign the back and I will make the correction on the front page; so we don't have to chase each other done to get the signatures.

Don Mazzeo: That will probably work.

Lynn Ekelund: If there are no other corrections or additions or questions, I move to approve the Advisory Report for the rezoning application from Michael Hughes for the rezoning of the property located at 104 Mainsail Drive from C1 (Commercial) zoning to R1 (Residential) zoning.

Bob Heinrich: I second.

Don Mazzeo: All in favor say aye. Opposed. Motion is passed. The Advisory Report will be forwarded, with the correction and will be signed this evening.

Bob Heinrich: Will we sign these this evening?

Don Mazzeo: Yes.

Robin Davis: I have the one that will be signed. The copies you have you can keep.

Bob Heinrich: Okay.

b. Sign Ordinance Review

Review and discussion on proposed changes to Section 220-6 & 220-57 through 220-65 of the zoning ordinance pertaining to signage

Don Mazzeo: This has been an ongoing issue for 9 months, thereabouts, 8 months?

Bob Heinrich: You must remember there was a summer in there too, and some vacations.

Don Mazzeo: This particular sign ordinance review was presented to this Commission by Mayor and Council and at their request, we are supposed to be going through all of the signage ordinances for that review; and making recommendations for either change, no change, modifications, etc.

Early on we had requested Robin, and had received through Robin, several different town's within Delaware, of similar nature to Milton; and their ordinances. I'll tell you, it's mind boggling how many different pieces of paper you can have in front of you that basically say the same thing or in some cases, are absolutely in contradiction to one another. I am almost at my wit's end, to be honest with you; having gone through all of those I have particularly in front of me the City of New Castle and the code from Milford. I think they're thicker than ours. Obviously, they have different types of conditions that they have to take care of within their own particular towns. I'm at the point of asking what the pleasure of the Commission is; at this particular time and juncture. Recognizing that we have only three members here this evening; there are indeed two additional members and I don't think we'll see one of them coming back anytime in the near future, if ever again. I'm not sure how that's working. I haven't heard anything.

Robin Davis: I doubt if Mr. Greig will at any time be another active member coming to the meetings; due to his health. He had requested to be removed. But at the request of the town, he stayed on as a member, as we all know, Mr. Greig has not been in a meeting in the last couple of months due to his health; but he was willing to stay on, in case he could come and help out. We did get a letter from a Timothy Nicholson, I think is his name.

Lynn Ekelund: Yes.

Robin Davis: If I'm not mistaken. I think the Mayor is going to put that on an agenda in the near future for Council for approval of Mr. Nicholson to the Planning & Zoning Commission, so that will give us five and hopefully, we can get back to full strength at seven at some time in the near future.

Don Mazzeo: Well, based on the fact that we again, only have three active members here this evening, a potential fourth coming in, hopefully in the next month perhaps, two; as much as I don't want to put this off any longer; I feel somewhat reluctant to move forward at this point. However, in light of the most recent addition to the Commission's attendance this evening, Mr. Gene Steele has arrived; I'm still reluctant to go delving into this in any great length.

Lynn Ekelund: May I ask a question? The last time we talked about this, and I know it was quite some time ago, because that's when Joanne Mattioni was still a member, she had indicated that she was going to try and get in touch with somebody and that name and his title escapes me.

Bob Heinrich: I recall that as well.

Lynn Ekelund: And it was very soon after that, that she tendered her resignation, so I didn't know if that was something that was left hanging and it was something on our part to get this man to come in and talk to us or review the information, or if just sort of slipped through the cracks and

nothing happened. Do you know Robin?

Robin Davis: I can't quite remember. I think, well the gentleman that she was talking about worked for the State, if I'm not mistaken and now he no longer works for the State.

Bob Heinrich: It's in the notes.

Robin Davis: But, I think he was still willing to come help, but I don't know if that was dealing with Joanne; I'm not saying he wouldn't come for any of the Commission here. But I think that's how that was left and then Joanne departed, so I think it just stopped and then we had some applications. I know it's hard to sit through the review process; especially during evenings where we have other applications, whether they are rezoning applications, site plan applications; it does make it difficult after an hour or two of an application, then to hash out through some sign ordinance review questions. Again, we're probably going to have next month a site plan review application for the Dogfish warehouse. Also, I had some conversations with another gentleman about some other things; so that's not definite, but we will have some regular applications through the pipeline. So I know this was put on the Planning & Zoning by Town Council and the Mayor. I don't know if... We used to, years ago, have an Ordinance Review Committee; that was a separate committee; and that's what their job was, to go through all the Ordinances, not just the sign ordinances; which truthfully needs to be done again. All of our ordinances need to be looked at. I don't know if that's something that... I'm not saying that we want to push it off to another Committee, I don't want to do that; but if with what Planning & Zoning might be dealing with in the future with Land Use Applications; would this be something that you might want to defer to another committee.

Lynn Ekelund: I was just going to say, I believe just as I believed when the Town Manager presented the annexation fee request, that it should have gone to an Ad Hoc Committee. I feel that this also is an application that's perfect for an Ad Hoc Committee, because once it is finished, it's gone; you dissolve the Committee and that's the end of it; whereas Planning & Zoning, as you mentioned Robin, if we have our hands full with the Site Plan Review, we're not going to be able to devote the time and energy to something like this. So I would be more than willing to take this up with Mayor and Council at a Town Council meeting, or just...

Don Mazzeo: What I would like to do, then, unless I hear something other than from the Committee; is that I will speak directly with both Mayor and/or Town Manager and make the recommendation that this particular request of the Planning & Zoning Commission to be relieved of that for this particular review of the Sign Ordinance; and have that presented to either an Ad Hoc Committee, or, as Robin you have just particularly stated, that there may well be a total, complete, review of all ordinances within town. And if that's another separate standing committee or a

special committee; sobeit. But I will take it back to Mayor and/or Town Manager in the next week or so and let them know of this particular situation and if I hear any objections, please say so now; otherwise I will move forward on that.

Robin Davis: And Mr. Chairman, if I might, I know the members here have worked somewhat to start looking at some of these changes. If there is something that you want to offer; if not part of the new committee or whatever is formed; to pass that information on to the new committee; because that would probably be more than helpful.

Don Mazzeo: Absolutely. In fact, anything that you may have already discussed amongst yourselves through discussions; in other words, talking... I won't call it as a committee, certainly; we haven't had that option; but if you have formed some particular opinions on some of the particular ordinances that we have written here, jot them down and get them to me either in an email, hand them to me, or whatever and I will take them to Mayor accordingly. Okay? So that will conclude our Sign Ordinance Review of the business portion of the meeting.

c. General Discussion

Don Mazzeo: I would like to then take one step. I know there's nothing on the agenda, but you just mentioned a meeting for the month of February, that you feel very strongly that the Dogfish Head application for Site Plan Review will be coming forward.

Robin Davis: Correct.

Don Mazzeo: I am alerting you and the balance of the Committee that I will not be here in the month of February and I believe, Commission Gene Steele will also not be available for that particular meeting. So if we do not have the next new member on board at that point in time, it's going to be very difficult to get a quorum for the month of February.

Robin Davis: Yes, because as stated, Mr. Grieg probably will not be available due to his health.

Gene Steele: I will also not be available for the month of March.

Don Mazzeo: Oh, March, as well. February and March, okay.

Robin Davis: March?

Don Mazzeo: And the potential of the new individual being appointed, would happen in the month of February's at the Council Meeting?

Robin Davis: Correct. I think the Mayor was originally going to put it on... There was a scheduled meeting for tax appeals on Thursday the 19th; that had to be canceled due to lack of some members or lack of a quorum. They were going to put that on that agenda too. So I know they were trying to get another meeting, but I don't know if that's happening; so it would be the earliest, if that didn't happen; it would be February 6th; so that would be before the February meeting.

Don Mazzeo: Whatever. The February scheduled meeting of Planning &

Zoning. This is just a question of procedures, without the Chair Person, and again, I'm only here as a another vote, but I Chair the position here; how will that meeting be processed?

Robin Davis: Normally, I think the way our past Town Solicitor has done, I think John Brady was the Secretary; would run the meeting.

Bob Heinrich: Is it reasonable to ask Dogfish Head to postpone their application?

Robin Davis: As everybody's aware, Dogfish wants to start building tomorrow, of course.

Bob Heinrich: Yes, but I mean if there's not going to be enough people here to even hear...

Lynn Ekelund: Well, I believe if Mr. Nicholson is approved by the Town Council,

Don Mazzeo: That will fulfill the quorum.

Lynn Ekelund: And if you're available in February and I am, that will be the quorum and I don't think...

Bob Heinrich: And Gene will be here.

Lynn Ekelund: No, Gene said he's not going to be in February and March.

Bob Heinrich: Oh, okay.

Lynn Ekelund: I think that the three of us, along with I'm certainly assuming that we're going to have the Town Engineer, Debbie Pfiel the Town Planner.

Bob Kerr: Probably not.

Lynn Ekelund: And the attorney?

Robin Davis: Correct. It will be the Town Solicitor and the Town Engineer. Bob Kerr already has a copy of the plans that were submitted for the Preliminary Site Plan, so he's already started his review.

Lynn Ekelund: Okay and we will receive that information hopefully more than a day or two before. I'm not trying to be smart here Robin...

Robin Davis: Yes, it will be in your packet and of course, my intention is always to try and get them at least a week; I know sometimes it's that Wednesday or Thursday after the seven days; but I would like to do ten days; to give the Commission members more than enough time. In some cases, a month is not usually enough time for some of the things, but, yes, correct...

Lynn Ekelund: But just as soon as you possibly can, because this is something that I would really like to take some time and look over.

Robin Davis: Yes, and too with these type of things, during the Preliminary Site Plan there's going to be a Public Hearing. So, of course, it's probably the best thing, as it has been in the past, is to take that information during the Public Hearing and digest it.

Lynn Ekelund: Oh, I don't see it coming to a vote, but I really don't see postponing Dogfish; if we've got enough people I think we can have the Preliminaries at least taken care of.

Robin Davis: Correct.

Bob Heinrich: Because my concern is that the Site Plan Application, I believe, is going to be extremely complicated and lots and lots of discussion before anything really gets done with it.

Don Mazzeo: Well, don't presuppose anything at this point. Just for the record, do not presuppose anything.

Bob Heinrich: For the record, yes.

Don Mazzeo: Okay, because you don't know what that application is; we haven't seen it yet and you certainly cannot comment on it.

Bob Heinrich: I'm just saying typical situation like this, requires discussion.

Don Mazzeo: Okay and as a point of procedure, Robin, in the fact that I will be absent for that particular meeting, is there a way then, upon my return and I'll be back the first week in March; that I could review all of the records so that I can still participate and vote accordingly based upon that record?

Robin Davis: Yes, everything that is available during the Public Hearing usually Helene, who transcribes the minutes, will be in a day or two after the meeting and she usually has those draft minutes prepared; so I can get you and the other members...

Don Mazzeo: Yes, and any other members that may not be available for that particular [meeting]. Well, if there's no other members here that night, you're not going to have a meeting; so it just boils down that.

Bob Heinrich: Just so I'm clear, the Public Hearing will be at the next Planning & Zoning meeting?

Robin Davis: Correct.

Don Mazzeo: Yes. And my question to Robin, is I want to make sure I have all those records and data that's going to be presented at that particular meeting at my disposal, so that I can then partake with the follow-up meeting; whenever that turns out to be.

Robin Davis: And even if there's any type of issue of how the minutes are transcribed, we can either do a copy of the disk so that you can actually listen to the recording of the meeting.

Lynn Ekelund: I would recommend that you go ahead and provide him with a copy of the disk, along with the non-verbatim minutes.

7. Adjournment

Don Mazzeo: I'll accept a motion for adjournment.

Lynn Ekelund: I make a motion to adjourn at 7:22 p.m.

Bob Heinrich: Second.

Don Mazzeo: We have a motion and a second to adjourn. All in favor say aye. Opposed. Motion carried. Thank you all.